

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CONDA M.,

Plaintiff, :

v.

**Case No. 2:22-cv-2772
Judge Sarah D. Morrison
Magistrate Judge Kimberly A.
Jolson**

**COMMISSIONER OF
SOCIAL SECURITY, :**

Defendant.

ORDER

Plaintiff brings this action under 42 U.S.C. § 405(g) for review of a final decision of the Commissioner of Social Security (“Commissioner”) denying her application for Social Security period of disability and disability insurance benefits. (ECF No. 6.) Plaintiff filed her Statement of Errors on October 13, 2022. (ECF No. 9.) The Commissioner filed a Memorandum in Opposition (ECF No. 11), and Plaintiff replied (ECF No. 12). On March 22, 2023, the Magistrate Judge issued a Report and Recommendation, recommending that the Court overrule Plaintiff’s Statement of Errors and affirm the Commissioner’s denial of benefits. (ECF No. 13.) Plaintiff timely filed her Objection to the Magistrate Judge’s Report and Recommendation. (ECF No. 14.)

If a party objects within the allotted time to a report and recommendation, the Court “shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28

U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The Court’s review “is limited to determining whether the Commissioner’s decision ‘is supported by substantial evidence and was made pursuant to proper legal standards.’” *Ealy v. Comm’r of Soc. Sec.*, 594 F.3d 504, 512 (6th Cir. 2010) (quoting *Rogers v. Comm’r of Soc. Sec.*, 486 F.3d 234, 241 (6th Cir. 2007)); *see also* 42 U.S.C. § 405(g) (“The findings of the Commissioner of Social Security as to any fact, if supported by substantial evidence, shall be conclusive . . .”).

The Court has carefully reviewed the record and concludes that the decision of the Commissioner is supported by substantial evidence and was made pursuant to proper legal standards. The issues raised in Plaintiff’s Objection were considered and correctly addressed by the Magistrate Judge. To the extent Plaintiff further argues that the Magistrate Judge engaged in *post hoc* rationalization, the Court both disagrees and finds the argument unpersuasive. Regardless of how one characterizes the Magistrate Judge’s observation that a scrivener’s error appeared on the state agency psychologist’s report, the conclusion above—that the Commission’s decision is supported by substantial evidence and was made pursuant to proper legal standards—remains.

The Court **OVERRULES** Plaintiff’s Objection (ECF No. 14), **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 13), and **AFFIRMS** the Commissioner’s decision. The Clerk is **DIRECTED** to **TERMINATE** this case from

the docket records of the United States District Court for the Southern District of Ohio, Eastern Division.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE